IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

ARBITRATION PETITION NO. 517 OF 2004

Maldar Dredgers &
Salvages Pvt.Ltd., .. Petitioner.

Vs.

Seatrans Shipping Ltd., .. Respondent.

Mr. H.Tur i/by A.J. Alex for the petitioner.
Mr. M.K. Khatri for respondent

CORAM : S.U. KAMDAR, J.
DATE : 21ST DECEMBER, 2004

P.C.

1. The claim in the present petition by the petitioner is approximately of a sum of Rs. 56,50,026/-. Though the arbitrator is appointed on 22.7.2004, the petitioner has not moved the arbitrator for commencing the proceedings. The petitioner is directed to move the arbitrator within a period of one week from today directing him to enter upon the reference and commence the arbitration proceedings.

2. In so far as the claim for security is

concerned, the learned counsel for the petitioner urged that the assets which are shown in para. 13 of the petition should be sufficient and an injunction may be granted restraining the respondent from alienating, disposing of or creating any third party in interest in respect of the said property. It is not disputed that the equipment which was given on hire under an agreement dated 31.1.2002 has been returned and is in possession of the petitioner herein. The petitioner is however seeking security for the arrears and outstanding higher charges. The claim of Rs. 56,50,026/- is along with interest. The learned counsel for the respondent has produced before me insurance policy issued by the New India Assurance Co. Ltd., in respect of one of his vessel known as D.B., KEOL. From the insurance policy which has been produced before me dated 18/5/2004 and which is valid upto 18.2.2005 it is clear that value of the vessel along with hull is around Rs. 75 lacs. The learned counsel for the respondent states that till the hearing and final disposal of the arbitration proceedings he will not alienate, create any third party interest or dispose of the said vessel D.B. KOEL along with its hull and keep the same towards the security of the petitioner’s claim. In view thereof, no further reliefs are necessary.

3. Petition disposed of. No order as to costs.